REMARKS

The Examiner is thanked for the performance of a thorough search. Claims 1–2, 4-7, 9–10, 12-15, 17–18, 20-25 and 27-30 are pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art. Each issue raised in the Office Action mailed April 30, 2008 is addressed hereinafter.

I. FINALITY OF THE OFFICE ACTION

A final Office Action was mailed February 20, 2008. The applicants filed a Reply with an RCE on April 9, 2008, and expected to receive a Non-Final Office Action next because the effect of an RCE is to remove finality. Instead, the Office mailed a Final Office Action on April 30, 2008. In a telephone call on June 12, 2008, the Examiner stated that she would treat the Action mailed on April 30, 2008, as a Non-Final, and consider applicants' next Reply. To the extent that the call of June 12, 2008 was an interview, the foregoing is applicants' statement of a summary of the interview.

II. ISSUES RELATING TO ALLEGED PRIOR ART

A. CLAIMS -- 35 U.S.C. § 102(e): HARPER

Claims 1-2, 4-7, 9-10, 12-15, 17-18, 20-25 and 27-30 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Harper U.S. Patent No. 7,058,016 B1, hereinafter "Harper." The rejection is respectfully traversed.

CLAIM 1

Present claim 1 recites:

1. A method of generating routing information in a data communications network having, as elements, nodes and links, the method comprising the steps performed at a first network element of:

receiving at the first network element information relating to a change in the network at a second network element,

identifying a sequence in which updating of routing information at each element in the network should occur,

for each network element in the network, computing a non-measured delay that is proportional to a distance to that network element from the first network element, and

after waiting for a time equal to the non-measured delay, updating the routing information at the first element in the sequence.

In the "Response to Arguments" section, the Office Action states that "the terminology '**a sequence**' is not defined in the claim," and therefore, the Office Action adopts the interpretation of 'a sequence' to be a Link-State Advertisement (LSA).

The applicants believe that such an interpretation is a clear error as overbroad and incorrect. First, the Office Action's assertion that "**a sequence**" is undefined in applicants' claims is incorrect because claim 1 recites "**a sequence in which updating of routing information at each element in the network should occur.**" Thus claim 1 indicates a sequence in the sense of an order in which the updating should occur. The meaning of "sequence" as an order is self-evident in the claim and no separate definition is needed.

Second, the Office Action's assertion that applicants' **sequence** can be interpreted as an LSA is incorrect because the terms refer to completely different concepts. LSA is a term used in the Open Shortest Path First (OSPF) routing protocol and refers to route-advertisement packets sent by a router to indicate link states. LSA packets are originated by each router in OSPF, and are "flooded" to the network to advertise the routes that each of the routers can serve. However, none of the LSAs is **"a sequence in which updating of routing information at each element in the network should occur,"** as claimed. An LSA is the **"routing information**," not the

"sequence in which updating of routing information should occur," as claimed. The **"routing information"** carried by an LSA is "flooded," not "**updated according to the sequence.**" "Flooding routing information to all nodes in the network" is different from "**updating of routing information at each element in the network according to a sequence,**" as claimed. Therefore, applicants' **sequence** cannot be reasonably interpreted as an LSA.

Further, in the "Detailed Action" and the "Response to Arguments" sections, the Office Action states that Harper describes "**identifying a sequence in which updating of routing information at each element in the network should occur**," in the Abstract and column 5, lines 9-15. (Office Action, pages 4 and 6) This is incorrect. Harper only describes recalculating LSA routing information, not "**a sequence in which updating of routing information at each element in the network should occur.**" In Harper, the routing information specifies the routes that are available from the particular router, not **"the sequence in which updating of routing information at each element in the network should occur,"** as claimed. This point has been explained in a great length in applicants' previous Reply.

Further, claim 1 recites additional features that are not taught or suggested by Harper. For example, Harper does not describe "**for each network element in the network, computing a non-measured delay that is proportional to a distance to that network element from the first network element.**"

In the "Response to Arguments" section, the Office Action asserts that "Harper teaches that a delay between the network element and its neighbor is measured. The result of the delay measurement is used for computing the shortest path to every other router." (Office Action, page 7) Based on the above assertion, the Office Action states that "Harper teaches the computing a delay as claimed." (Office Action, page 7) This is incorrect. Harper's "delay" is nothing more than a conventional measure of the time period required to perform the steps of collecting data from the network and performing the Dijkstra algorithm. In contrast, in the claimed approach a delay is computed, not measured, to determine how long to wait before sending an update. Thus, Harper's distance has nothing to do with applicants' "**non-measured delay**."

Further, in the Interview Summary submitted on April 22, 2008, the applicants explained the differences between Harper's distance and applicants' **"non-measured delay"** by observing that the distance from Washington, DC, to San Jose, CA, is longer than the distance from Washington to New York, NY. However, if Washington and San Jose are linked by all optical fiber T3 links, and Washington is linked to New York by 300 baud copper wire telephone lines, then packets sent from Washington to San Jose will arrive before packets concurrently sent from Washington to New York. Despite the respective distances, the delay in delivering the packets sent from Washington to San Jose will be smaller than the delay in delivering the packets concurrently sent to New York. This example shows that the statement "the longer the distance, the longer the delay" is incorrect.

Further, even if Harper assumes identical links, the selection of the shortest path cannot be said to be computation of a **"non-measured delay,"** as claimed. Applicants' **"non-measured delay"** is computed as a probation that inherently exists as a physical property, whereas Harper's "delay" is a measure of the time period required to perform the steps of collecting data from the network. Therefore, Harper does not teach or suggest "**for each network element in the network, computing a non-measured delay that is proportional to a distance to that network element from the first network element,"** as claimed.

Finally, Harper does not describe "**after waiting for a time equal to the non-measured delay, updating the routing information at the first element in the sequence."**

As discussed above, Harper does not teach or suggest **"the sequence in which updating or routing information at each element in the network should occur,"** and thus Harper cannot "**update the routing information at the first element in the sequence,"** as claimed. Further, Harper does not teach or suggest **"the non-measured delay,"** and thus Harper cannot

"update the routing information after waiting for a time equal to the non-measured delay," as claimed.

Therefore, claim 1 recites at least the above features that are not taught or suggested in Harper. Hence, Harper does not anticipate claim 1.

Reconsideration and withdrawal of the rejection is respectfully requested.

CLAIMS 2 AND 4-6

Claims 2 and 4-6 depend (directly or indirectly) from claim 1. As discussed above, claim 1 recites at least one feature that is not taught or suggested in Harper. Therefore, each of the claims 2 and 4-6 is allowable for the reasons given above for claim 1.

Reconsideration and withdrawal of the rejection is respectfully requested.

CLAIMS 7, 9, 15, 17, 23-24 AND 30

Claims 7, 9, 15, 17, 23-24 and 30 recite features similar to those in claim 1. Therefore, for the reasons discussed in claim 1, reconsideration and withdrawal of the rejections of claims 7, 9, 15, 17, 23-24 and 30 is respectfully requested.

DEPENDENT CLAIMS 10, 12-14, 18, 20-22, 25 AND 27-29

The claims 10, 12-14, 18, 20-22, 25 and 27-29 are dependent claims, each of which depends (directly or indirectly) on one of the independent claims discussed above. Each of the dependent claims is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of the dependent claims introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of those limitations is not included at this time. The Applicant reserves the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

III. CONCLUSION

For the reasons set forth above, all pending claims are in condition for allowance. A petition for extension of time is hereby made to the extent necessary to make this reply timely filed. If any applicable fee is missing or insufficient, the Commissioner is hereby authorized to charge any applicable fees to our Deposit Account No. 50-1302.

Respectfully submitted,

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